

Bill No. 4-21
Concerning: Weapons - Protection of
Minors and Public Places -
Restrictions Against Ghost Guns and
Undetectable Guns
Revised: 04/06/2021 Draft No. 5
Introduced: January 19, 2021
Enacted: April 6, 2021
Executive: April 16, 2021
Effective: July 16, 2021
Sunset Date: None
Ch. 7, Laws of Mont. Co. 2021

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council Vice-President Alborno
Co-Sponsors: Council President Hucker, Councilmembers Katz, Jawando, Navarro, Friedson, Rice,
Riemer and Glass

AN ACT to:

- (1) define terms related to firearm laws;
- (2) restrict the [[manufacture,]] possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms with respect to minors;
- (3) restrict the [[manufacture,]] possession, use, sale, and transfer of ghost guns, undetectable guns, and certain other firearms within 100 yards of places of public assembly; and
- (4) generally amend the law regarding firearms and other weapons.

By amending

Montgomery County Code
Chapter 57, Weapons
Sections 57-1, 57-7, and 57-11

By adding

Montgomery County Code
Chapter 57, Weapons
Section 57-16

| | |
|-------------------------------------|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

The County Council for Montgomery County, Maryland approves the following Act:

EXHIBIT A

1 **Sec. 1. Sections 57-1, 57-7, and 57-11 are amended, and Section 57-16 is**
2 **added, as follows:**

3 **57-1. Definitions.**

4 In this Chapter, the following words and phrases have the following meanings:

5 3D printing process: a process of making a three-dimensional, solid
6 object using a computer code or program, including any process in
7 which material is joined or solidified under computer control to create a
8 three-dimensional object.

9 * * *

10 *Gun or firearm:* Any rifle, shotgun, revolver, pistol, ghost gun,
11 undetectable gun, air gun, air rifle or any similar mechanism by
12 whatever name known which is designed to expel a projectile through a
13 gun barrel by the action of any explosive, gas, compressed air, spring or
14 elastic.

15 (1) The term “antique firearm” means (a) any firearm (including any
16 firearm with a matchlock, flintlock, percussion cap, or similar
17 type of ignition system) manufactured in or before 1898; and (b)
18 any replica of any firearm described in subparagraph (a) if such
19 replica (i) is not designed or redesigned or using rimfire or
20 conventional centerfire fixed ammunition, or (ii) uses rimfire or
21 conventional centerfire fixed ammunition which is no longer
22 manufactured in the United States and which is not readily
23 available in the ordinary channels of commercial trade.

24 (2) “Ghost gun” means a firearm, including an unfinished frame or
25 receiver, that lacks a unique serial number engraved or cased in
26 metal alloy on the frame or receiver by a licensed manufacturer,
27 maker or importer under federal law or markings in accordance

28 with 27 C.F.R. § 479.102. It does not include a firearm that has
29 been rendered permanently inoperable, or a firearm that is not
30 required to have a serial number in accordance with the Federal
31 Gun Control Act of 1968.

32 (3) “Handgun” means any pistol, revolver or other firearm capable of
33 being concealed on the person, including a short-barreled shotgun
34 and a short-barreled rifle as these terms are defined below.
35 “Handgun” does not include a shotgun, rifle, or antique firearm.

36 [(3)] (4) “Rifle” means a weapon designed or redesigned, made or
37 remade, and intended to be fired from the shoulder and designed
38 or redesigned and made or remade to use the energy of the
39 explosive in a fixed metallic cartridge to fire only a single
40 projectile through a rifled bore for each single pull of the trigger.

41 [(4)] (5) The term “short-barreled rifle” means a rifle having one
42 (1) or more barrels less than sixteen (16) inches in length and any
43 weapon made from a rifle (whether by alternation, modification
44 or otherwise) if such weapon, as modified, has an overall length
45 of less than twenty-six (26) inches.

46 [(5)] (6) The term “short-barreled shotgun” means a shotgun having
47 one (1) or more barrels less than eighteen (18) inches in length
48 and any weapon made from a shotgun (whether by alteration,
49 modification or otherwise) if such weapon as modified has an
50 overall length of less than twenty-six (26) inches.

51 [(6)] (7) “Shotgun” means a weapon designed or redesigned, made
52 or remade, and intended to be fired from the shoulder and
53 designed or redesigned and made or remade to use the energy of
54 the explosive in a fixed shotgun shell to fire through a smooth

bore either a number of ball shot or a single projectile for each single pull of the trigger.

(8) “Undetectable gun” means:

(A) a firearm that, after the removal of all its parts other than a major component, is not detectable by walk-through metal detectors commonly used at airports or other public buildings;

(B) a major component that, if subjected to inspection by the types of detection devices commonly used at airports or other public buildings for security screening, would not generate an image that accurately depicts the shape of the component; or

(C) a firearm manufactured wholly of plastic, fiberglass, or through a 3D printing process.

* * *

Major component means, with respect to a firearm:

(1) the slide or cylinder or the frame or receiver; and

(2) in the case of a rifle or shotgun, the barrel.

Minor: An individual younger than 18 years old.

* * *

Place of public assembly: A “place of public assembly” is a place where the public may assemble, whether the place is publicly or privately owned, including a [government owned] park [identified by the Maryland-National Capital Park and Planning Commission]; place of worship; [elementary or secondary] school; [public] library; [government-owned or -operated] recreational facility; hospital; community health center; long-term facility; or multipurpose exhibition

82 facility, such as fairgrounds or a conference center. A place of public
83 assembly includes all property associated with the place, such as a
84 parking lot or grounds of a building.

85 * * *

86 **57-7. Access to guns by minors.**

87 (a) A person must not give, sell, rent, lend, or otherwise transfer any rifle or
88 shotgun or any ammunition or major component for these guns in the
89 County to a minor. This subsection does not apply when the transferor
90 is at least 18 years old and is the parent, guardian, or instructor of the
91 minor, or in connection with a regularly conducted or supervised
92 program of marksmanship or marksmanship training.

93 (b) An owner, employee, or agent of a gun shop must not allow a minor to,
94 and a minor must not, enter the gun shop unless the minor is
95 accompanied by a parent or other legal guardian at all times when the
96 minor is in the gun shop.

97 (c) A person must not give, sell, rent, lend, or otherwise transfer to a minor:
98 (1) a ghost gun or major component of a ghost gun;
99 (2) an undetectable gun or major component of an undetectable gun;
100 or
101 (3) a computer code or program to make a gun through a 3D printing
102 process.

103 (d) A person must not [[manufacture or assemble]] purchase, sell, transfer,
104 possess, or transfer a ghost gun, including [[making]] a gun created
105 through a 3D printing process, in the presence of a minor.

106 (e) A person must not store or leave a ghost gun, an undetectable gun, or a
107 major component of a ghost gun or an undetectable gun, in a location
108 that the person knows or should know is accessible to a minor.

109 [(c)] (f) This section must be construed as broadly as possible within the
 110 limits of State law to protect minors.

111 **57-11. -Firearms in or near places of public assembly.**

112 (a) [A] In or within 100 yards of a place of public assembly, a person must
 113 not:

114 (1) sell, transfer, [[manufacture, assemble,]] possess, or transport a
 115 ghost gun, undetectable gun, handgun, rifle, or shotgun, or
 116 ammunition or major component for these firearms[, in or within
 117 100 yards of a place of public assembly]; or

118 (2) sell, transfer, possess, or transport[[, or use a computer code to
 119 create,]] a firearm created through a 3D printing process.

120 -(b) This section does not:

121 (1) prohibit the teaching of firearms safety or other educational or
 122 sporting use in the areas described in subsection (a);

123 (2) apply to a law enforcement officer, or a security guard licensed to
 124 carry the firearm;

125 (3) apply to the possession of a firearm or ammunition, other than a
 126 ghost gun or an undetectable gun, in the person's own home;

127 (4) apply to the possession of one firearm, and ammunition for the
 128 firearm, at a business by either the owner who has a permit to
 129 carry the firearm, or one authorized employee of the business
 130 who has a permit to carry the firearm;

131 (5) apply to the possession of a handgun by a person who has
 132 received a permit to carry the handgun under State law; or

133 (6) apply to separate ammunition or an unloaded firearm:

- 134 (A) transported in an enclosed case or in a locked firearms rack
135 on a motor vehicle, unless the firearm is a ghost gun or an
136 undetectable gun; or
- 137 (B) being surrendered in connection with a gun turn-in or
138 similar program approved by a law enforcement agency.

139 * * *

140 **57-15. Penalty.**

141 Any violation of this Chapter or a condition of an approval certificate issued
142 under this Chapter is a Class A violation to which the maximum penalties for a Class
143 A violation apply. Any violation of Section 57-8 is a Class A civil violation.

144 **57-16. Reporting requirement.**

- 145 (a) The County Police Department must submit a report annually to the
146 County Executive and the County Council regarding the availability and
147 use of ghost guns and undetectable guns in the County.
- 148 (b) The report must include the number of ghost guns and undetectable
149 guns recovered by the Department during the prior year.
- 150 (c) Each report must be available to the public on the Police Department's
151 website.

Approved:



4/7/2021

Tom Hucker, President, County Council

Date

Approved:

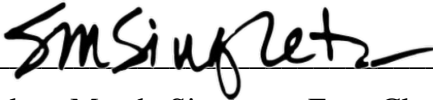


4/16/2021

Marc Elrich, County Executive

Date

This is a correct copy of Council action.



4/16/2021

Selena Mendy Singleton, Esq., Clerk of the Council

Date